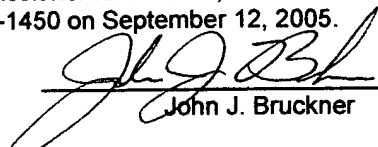


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
<b>TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION</b>	Atty. Docket No. <b>UBAT1520</b>
Applicant <b>Gregory R. Hanson et al.</b>	
Application Number <b>10/649,474</b>	Filed <b>August 26, 2003</b>
For <b>Spatial Heterodyne Interferometry for Reflection and Transmission (SHIRT) Measurements</b>	
Group Art Unit <b>2877</b>	Examiner <b>Connolly, Patrick J</b>
Confirmation Number: <b>5373</b>	

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

<b>Certificate of Express Mailing Under 37 C.F.R. 1.10</b>  I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee in an envelope bearing Express Mail mailing label number <b>EV 542115365 US</b> addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on September 12, 2005.   John J. Bruckner
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The owner, UT-Battelle, LLC of one hundred percent (100%) interest in the instant application, as evidenced by the assignment recorded April 29, 2004 on Reel/Frame: 014575/0989, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on co-pending Application No. 10/649,251 filed on August 23, 2003. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the co-pending application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of any patent granted on the co-pending application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check box(es) 1, 2, 3, 4 and/or 5 as appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

\_\_\_\_\_  
Signature

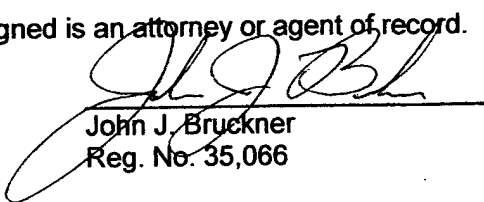
\_\_\_\_\_  
Dated

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

- \* Statement under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

2. ☒ The undersigned is an attorney or agent of record.

  
\_\_\_\_\_  
John J. Bruckner  
Reg. No. 35,066

Sept 12, '05  
\_\_\_\_\_  
Dated

3. ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.

Owner/Applicant is a ☐ Small Entity ☒ Large Entity

4. ☐ The Director of the U.S. Patent and Trademark Office is hereby authorized to deduct \$130 representing the terminal disclaimer fee under 37 C.F.R. 1.20(d) for a large entity from Deposit Account No. 50-3204 of John Bruckner PC.

5. ☒ The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.